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| 09/606,617 | 06/29/2000 | Gregory W. Bruening | USW#-1750 | 7650 |

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[REDACTED] EXAMINER

BUI, BING Q

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2642 | |

DATE MAILED: 01/30/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/606,617

Applicant(s)

Bruening

Examiner

Bing Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Nov 15, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9, 11-15, and 17-21 is/are rejected.

7) Claim(s) 10 and 16 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-9, 11-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk (US Pat No. 6,128,379) in view of Birckbichler (US Pat No 5,796,806).

Regarding claim 1, Smyk teaches the invention substantially as claimed, a method for identifying a caller including the steps of:

- a) attempting a call to a subscriber line connected to a computer network (Fig 5; col 2, In 31-34 and col 4, In 42-col 5, In 12);
- b) determining that the subscriber line is connected to the computer network (Fig 5; col 2, In 31-34 and col 4, In 42-col 5, In 12);

Smyk differs from claimed invention in that it does not teach the steps of:

- c) in response to said step b), prompting the caller to provide identification;
- d) receiving audible identification from a caller;
- e) providing the audible identification via the computer network and the subscriber line.

However it is obvious that Smyk suggests the method of verifying a caller authentication in form of voice identification by means of voice recognition performed by an Intelligent Peripheral or Intelligent Data Peripheral (col 1, In 17-32).

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Birckbichler teaches:

- c) in response to said step b), prompting the caller to provide identification (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);
- d) receiving audible identification from a caller (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).
- e) providing the audible identification to the subscriber line (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of collecting and recording audible caller identification and playing back such identification to a subscriber as taught by Birckbichler to Smyk's invention for transparently and friendly enabling a called party to decide whether or not to accept the call.

Regarding claims 2-3, Birckbichler further teaches the step of recording the audible identification and sending the recording the audible identification via the subscriber line (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Regarding claim 4, Birckbichler further teaches the method for identifying a caller further including the steps of:

- f) before said step c), determining whether calling party information is present in response to said step b) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

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g) determining that the calling party information is not present; and h) performing said step c) in response to said step g) (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57).

Regarding claim 5, Birckbichler further teaches the method for identifying a caller further including the steps of:

- i) Detecting a trigger at the subscriber line in said step a) (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57);
- j) performing said step f) in response to said step i) (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57).

Regarding claim 6, Birckbichler further teaches the method for identifying a caller further including the steps of directing the call to an intelligent peripheral based upon said step g) (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57).

Regarding claim 7, Birckbichler further teaches the method for identifying a caller further including the steps of displaying a plurality of disposition options for call via the subscriber line (Abstract; Figs 1-2 and col 2, In 26-col 3, In 57) .

As to claims 8, 12-15 and 17-18, they are rejected for the same reasons set forth to rejecting claims 1-3 above, since claims 8 and 12-15 are merely a system for implementing the method defined in the method claims 1-3.

As to claim 9, it is rejected for the same reasons set forth to rejecting claim 2 above, since claim 9 is merely a system for implementing the method defined in the method claim 2.

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As to claim 11, it is rejected for the same reasons set forth to rejecting claim 6 above, since claim 11 is merely a system for implementing the method defined in the method claim 6.

As to claims 19-21 , they are rejected for the same reasons set forth to rejecting claim 1.

Allowable Subject Matter

2. Claims 10 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

BING BUI
Jan 27, 2002



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600